



11-7-02

2837

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of: Dominic LE PREVOST

Serial No.: 09/647,026

Group No.: 2837

Filed: November 6, 2000

Examiner: K. Lockett

For: ACOUSTIC HORN

Attorney Docket No.: U 012964-2

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**REQUEST FOR NEW ACTION**

The Action of October 24, 2002, on the above application repeats the omission of the Action of March 28, 2002, in not considering the Information Disclosure Statement of December 20, 2000.

*Called & left message stating the IDS will be considered with next office action*

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**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
(Express Mail label number is **mandatory**.)  
(Express Mail certification is **optional**.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 6, 2002, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV011025184US, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ibis Carrillo

(type or print name of person mailing paper)

*Ibis Carrillo*

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

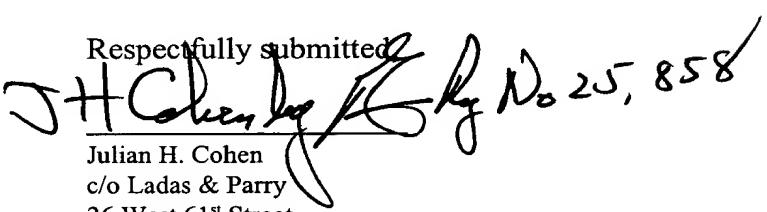
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Copies of the Information Disclosure Statement and its postcard receipt are attached.

The text on page 2 of the Information Disclosure Statement inadvertently refers to the Search Report of corresponding application PCT/GB97/02373, whereas the corresponding application and attached Search Report correctly identify the corresponding application as PCT/GB99/02373.

A new Action is requested to avoid piecemeal prosecution.

Respectfully submitted

  
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Practitioner's Docket No. U 012964-2

13/IDS  
Chuswa  
11/13/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

OR

In re application of: Dominic LE PREVOST  
Serial No.: 09/647,026  
Filed: September 26, 2000  
For: ACOUSTIC HORN

Group No.: 2837  
Examiner: --

Assistant Commissioner for Patents  
Washington, D.C. 20231

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. ET043060015US (**mandatory**)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Date: December 20, 2000

  
Signature  
IBIS CARRILLO  
(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

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**SIGNATURE OF PRACTITIONER**

Reg. No. 20, 302

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